# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/869,408 | 10/01/2001 | Francis Patrick Kleinitz | A70704DJBMAK | 2608 |

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| ART UNIT | PAPER NUMBER |
|---|---|
| 2614 | |

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/869,408 | KLEINITZ ET AL. |
| | Examiner | Art Unit | |
| | Thjuan P. Knowlin | 2614 | |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _05 June 2006_.

2a)☐ This action is **FINAL**.  2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _1-33_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-33_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _11 October 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All  b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

## DETAILED ACTION

1.      A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection.  Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114.  Applicant's submission filed on June

05, 2006 has been entered.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

2.      Claims 1-3, 8, 11, 18, 20, 22, 23, 27-29, 31, and 33 are rejected under 35

U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and

distinctly claim the subject matter which applicant regards as the invention.

3.      Claim 1 recites the limitation "said service data" in line 7, line 9, lines10-11, line

14, line 15, and line 16.  There is insufficient antecedent basis for this limitation in the

claim.

4.      Claim 1 recites the limitation "said protocol" in line 11.  There is insufficient

antecedent basis for this limitation in the claim.

5.      Claim 2 recites the limitation "said service data" in line 2.  There is insufficient

antecedent basis for this limitation in the claim.

6.      Claim 3 recites the limitation "said service data" in line 2.  There is insufficient

antecedent basis for this limitation in the claim.

7.      Claim 8 recites the limitation "said service data" in line 4 and line 5.  There is

insufficient antecedent basis for this limitation in the claim.

8.      Claim 8 recites the limitation "the service area" in line 5.  There is insufficient

antecedent basis for this limitation in the claim.

9.      Claim 11 recites the limitation "said call" in line 4, line 10, and line 15.  There is

insufficient antecedent basis for this limitation in the claim.

10.     Claim 11 recites the limitation "said service data" in line 6, line 8, line 9, line 13,

and line 15-16.  There is insufficient antecedent basis for this limitation in the claim.

11.     Claim 11 recites the limitation "the service data" in line 14.  There is insufficient

antecedent basis for this limitation in the claim.

12.     Claim 11 recites the limitation "said protocol" in line10 and line 14.  There is

insufficient antecedent basis for this limitation in the claim.

13.     Claim 11 recites the limitation "said switch" in line 15.  There is insufficient

antecedent basis for this limitation in the claim.

14.     Claim 18 recites the limitation "said service data" in line 3 and line 4.  There is

insufficient antecedent basis for this limitation in the claim.

15.     Claim 18 recites the limitation "the service area" in line 4.  There is insufficient

antecedent basis for this limitation in the claim.

16.     Claim 20 recites the limitation "said communication call" in line 2.  There is

insufficient antecedent basis for this limitation in the claim.

17.     Claim 22 recites the limitation "said service data" in line 1.  There is insufficient antecedent basis for this limitation in the claim.

18.     Claim 23 recites the limitation "said service data" in line 1.  There is insufficient antecedent basis for this limitation in the claim.

19.     Claim 27 recites the limitation "said service data" in line 7, line 9, lines 10-11, line 15, and lines 15-16.  There is insufficient antecedent basis for this limitation in the claim.

20.     Claim 27 recites the limitation "the service data" in line 18.  There is insufficient antecedent basis for this limitation in the claim.

21.     Claim 27 recites the limitation "the communications call" in line 3.  There is insufficient antecedent basis for this limitation in the claim.

22.     Claim 27 recites the limitation "said call" in line 5, line 11, and line16.  There is insufficient antecedent basis for this limitation in the claim.

23.     Claim 27 recites the limitation "said protocol" in line 11.  There is insufficient antecedent basis for this limitation in the claim.

24.     Claim 27 recites the limitation "said switch" in line 16.  There is insufficient antecedent basis for this limitation in the claim.

25.     Claim 28 recites the limitation "said call" in line 4, line 10, line 20, and line 21.  There is insufficient antecedent basis for this limitation in the claim.

26.     Claim 28 recites the limitation "said service data" in line 6, line 8, line 9, line 14, line 15, line 19, and line 21.  There is insufficient antecedent basis for this limitation in the claim.

27.    Claim 28 recites the limitation "the service data" in lines 19-20.  There is insufficient antecedent basis for this limitation in the claim.

28.    Claim 28 recites the limitation "the service area" in line 16.  There is insufficient antecedent basis for this limitation in the claim.

29.    Claim 28 recites the limitation "said protocol" in line 10 and line 15.  There is insufficient antecedent basis for this limitation in the claim.

30.    Claim 28 recites the limitation "said switch" in line 20.  There is insufficient antecedent basis for this limitation in the claim.

31.    Claim 29 recites the limitation "said call" in line 4, line 10, line 14, and line 15.  There is insufficient antecedent basis for this limitation in the claim.

32.    Claim 29 recites the limitation "said service data" in 6, line 8, line 9, line 13, and line 15.  There is insufficient antecedent basis for this limitation in the claim.

33.    Claim 29 recites the limitation "the service data" in lines 13-14.  There is insufficient antecedent basis for this limitation in the claim.

34.    Claim 29 recites the limitation "said protocol" in line 10.  There is insufficient antecedent basis for this limitation in the claim.

35.    Claim 29 recites the limitation "said switch" in line 14.  There is insufficient antecedent basis for this limitation in the claim.

36.    Claim 31 recites the limitation "said service data" in line 2.  There is insufficient antecedent basis for this limitation in the claim.

37.    Claim 31 recites the limitation "said user initiated call" in line 2.  There is insufficient antecedent basis for this limitation in the claim.

38.     Claim 31 recites the limitation "the service area" in line 3.  There is insufficient

antecedent basis for this limitation in the claim.

39.     Claim 33 recites the limitation "said service data" in line 2.  There is insufficient

antecedent basis for this limitation in the claim.

40.     Claim 33 recites the limitation "said user initiated call" in line 2.  There is

insufficient antecedent basis for this limitation in the claim.

41.     Claim 31 recites the limitation "the service area" in line 3.  There is insufficient

antecedent basis for this limitation in the claim.


### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

42.     Claims 1-4, 7-14, 17-21, 23, 24, and 27-33 are rejected under 35 U.S.C. 102(e)

as being anticipated by Venkateshwaran et al (US 6,072,857).

43.     In regards to claims 1, 11, 27, 28, and 29, Venkateshwaran discloses a call

processing method and network system (Abstract and Fig. 2), including: receiving a

user (See Fig. 1 and telephone set 24) initiated communications call (See col. 10 lines

3-7); processing characteristic data associated with the communications call at a

network switch (See Fig. 1 and central office switch (SSP) 14) to determine if intelligent

network service data (e.g., custom feature or service) is required to establish said call

(See col. 10 lines 7-12); passing said characteristic data to a Visitor Intelligent Network

(See Fig. 1, service control point (SCP) 42, and service circuit node (SCN) 50) when

said service data is required (See col. 6 lines 54-67 and col. 12 lines 54-57); processing

at least part of said characteristic data by said VIN (e.g., SCP 42 and SCN 50) to

determine a network location (for example, the network may be voice or data/fax) to

access in order to obtain said service data, and to determine a communication protocol

for connecting to said network location, said service data being required to establish

said call, wherein said protocol and said network location are obtained from a Home

Intelligent Network (See Fig. 1, and service circuit node (SCN) 50, and service control

point (SCP) 42); obtaining said service data from said network location in accordance

with said protocol and passing said service data to said switch to establish said call; and

establishing said call based on said service data (See col. 10 lines 7-47).

44.      In regards to claims 2 and 12, Venkateshwaran discloses a call processing

method and network system, including storing said service data in said VIN (e.g., SCP

42 and SCN 50) for subsequent requests for said service data (See col. 6 lines 54-67).

45.      In regards to claims 3 and 13, Venkateshwaran discloses a call processing

method and network system, including deleting said service data from said VIN (e.g.,

SCP 42 and SCN 50) after a predetermined period of time (for example, a credit card

(including validation for the credit card) or any type of service may expire after a certain

period of time, and therefore, causing that particular service to no longer be available) (See col. 6 lines 42-49).

46.    In regards to claims 4, 9, 14, and 19 Venkateshwaran discloses a call processing method and network system, wherein said HIN (e.g., SCP 42 and SCN 50) is in a central IN service data database (See Fig. 1, advance intelligent network (AIN) 10, and col. 6 lines 4-16).

47.    In regards to claims 7 and 17, Venkateshwaran discloses a call processing method and network system, wherein said VIN (e.g., SCP 42 and SCN 50) is local to a user originating said call (See Fig. 1 and col. 6 lines 54-67).

48.    In regards to claims 8 and 18, Venkateshwaran discloses a call processing method and network system, wherein said VIN (e.g., SCP 42 and SCN 50) includes computer logic configured to: communicate with said HIN (e.g., SCP 42 and SCN 50) so as to obtain said service data; and cache said service data for users in the service area of said VIN (e.g., SCP 42 and SCN 50) (See col. 10 lines 7-47).

49.    In regards to claims 10 and 20, Venkateshwaran discloses a call processing method and network system, wherein said communications call includes a voice, data, or messaging connection (See Fig. 1 and col. 5 lines 49-60).

50.    In regards to claim 21, Venkateshwaran discloses a network system, including a plurality of VINs (e.g., SCP 42 and SCN 50) covering respective areas (See col. 6 lines 30-34).

51.    In regards to claim 23, Venkateshwaran discloses a network system, wherein said service data is terminal network selection data (See col. 10 lines 41-47).

52.     In regards to claim 24, Venkateshwaran discloses a network system, wherein

said VIN (e.g., SCP 42 and SCN 50) includes means for policing messages passed

between networks (See col. 8-9 lines 61-4 and col. 10-11 lines 48-3).

53.     In regards to claim 30 and 32, Venkateshwaran discloses a call processing

method, wherein the HIN (e.g., SCP 42 and SCN 50) is configured to function as a

service data point and as a service control point, and the VIN (e.g., SCP 42 and SCN

50) is configured to function as an service data point and as a service control point (See

col. 6 lines 42-67).

54.     In regards to claims 31 and 33, Venkateshwaran discloses a call processing

method, wherein said VIN (e.g., SCP 42 and SCN 50) is configured to receive said

service data from said HIN (e.g., SCP 42 and SCN 50) for said user initiated call, and is

configured to not receive IN service data for a second user in the service area of the

VIN, until said second user initiates a communications call requiring IN service data

(See col. 10 lines 3-21).


## *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

55.    Claims 5, 6, 15, 16, 22, 25, and 26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Venkateshwaran et al (US 6,072,857), in view of McConnell (US

5,517,562).

56.    In regards to claims 5, 15, and 22, Venkateshwaran discloses all of claims 5 and

15 limitations, except a call processing method and network system wherein said HIN

(e.g., SCP 42 and SCN 50) is in a local mobile network.  McConnell, however, discloses

a call processing method and network system (See Abstract and Fig. 7), wherein said

HIN (See Fig. 3-5, service control point (SCP) 35, and service creation environment

(SCE) 41) is in a local mobile network (See col. 8 lines 61-67).  Therefore, it would have

been obvious for one of ordinary skill in the art at the time of the invention, to

incorporate this feature within the system, as a way of allowing custom features, such

as call forwarding, and other services to be available and accessible by mobile users.

57.    In regards to claims 6 and 16, Venkateshwaran discloses all of claims 6 and 16

limitations, except a call processing method and network system, wherein said HIN

(e.g., SCP 42 and SCN 50) is in a foreign telecommunications network.  McConnell,

however, discloses a call processing method and network system, wherein said HIN

(e.g., SCP 35 and SCE 41) is in a foreign telecommunications network (See Fig. 7 and

Fig. 6).

58.    In regards to claim 25 and 26, Venkateshwaran discloses all of claims 25 and 26

limitations, except a method and network system, wherein the communication protocol

is selected from the group of protocols consisting of INAP, IS41, MTUP, and TCP/IP.

McConnell, however, discloses the use of a variety of protocols, including a TCP/IP

protocol (See col. 8-9 lines 61-2).


## *Conclusion*

59.      The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.   Hammarstrom et al (US 6,004,142) teach a method and

arrangement for integrating intelligent network services with operator assisted services.

Sallberg et al (US 6,594,253) teach a system and method for mobility management for

an Internet telephone call to a mobile terminal.

60.      Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thjuan P. Knowlin whose telephone number is (571)

272-7486.  The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

61.      If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wing Chan can be reached on (571) 272-7493.  The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

62.     Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.  Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thjuan P. Knowlin

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SUPERVISORY PATENT EXAMINER